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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,438	11/25/2003	Jagadish Maturi	NC34709 (9021.168)	6237

7590 06/02/2005  
Mr. Robert H. Kelly  
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Suite 1400  
5956 Sherry Lane  
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EXAMINER
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LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <input checked="" type="checkbox"/> 10/723,438	Applicant(s) MATURI, JAGADISH	
	Examiner Andrew Lee	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badt et al U.S. Patent Number 5,892,753.

Re Claims 1, 16, the claim is in a Jepson format whereby the packet radio communication system having a mobile host and a network part is admitted prior art. Badt et al teaches a local system 10 (a network-positioned determiner) coupled to Internet (a network part) for determining a PMTU packet size to be communicated with the Target system 14 (at least one a first corresponding host) without fragmentation (See fig. 3 and col. 6, lines 3-26). Badt et al fails to explicitly teach that the local system 10 is coupled to the packet radio communication system. However, Badt et al teaches that for multimedia data application, avoiding fragmentation and reassembly is cost effective and less timing consuming (See col. 1, lines 20-33 & col. 2, lines 1-17). One skilled in the art would have been motivated to interconnect the local system 10 of Badt et al with the admitted radio packet communication system to enable cost effective performance for the mobile host performing multimedia application. Therefore, it would have been obvious to one ordinary skilled to interconnect the local system 10 with the admitted packet radio communication system.

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Re Claims 2, 3, 17, 18, refer to Claim 1, wherein fig. 3 teaches that the Target Host (a notifier; at least the first corresponding host) issues a ICMP ECHO RESPONSE PACKET in response to the REQUEST PACKET (indications of determination of the at least the first packet size) from the local system indicating the permitted PMTU size, whereby the RESPONSE ECHO is forwarded to the mobile host by the local system 10.

Re Claim 4, Badt et al teaches the INTERNET 12 but fails to explicitly teach that the IP version in which it is pursuant. However, one skilled in the art would have been motivated to modify the INTERNET 12 with the next generation standards such as IPv6 and IMCPng to enable, among other things, a larger addressing space and more mobile host.

Re Claims 5, 8, refer to Claim 1 and 4, fig. 1 teaches the first router 24 or second router (the first and second correspondent host) coupled to the Local System 24, whereby upon a IMCP NEEDFRAG ERROR Packet from the first or second router, the Local System 24 determines a new packet size (a second packet size) for the PMTU for the original ICMP ECHO REQUEST MESSAGE (the first packet size) wherein the new packet size is indicative of permitted packet size for the next hop router and the packet message is IMCP is IMCPng compliant.

Re Claim 6, refer to Claims 2 and 4, it is inherent that the IMCPng message include the address of the at least the first correspondent host to enable routing of the message through the INTERNET.

Re Claim 7, refer to Claim 6, it is inherent to include the type field to indicate the IMCP version to indicate which version, further the original version includes the first packet size.

Re Claims 9, 10, refer to Claim 5, fig. 3 teaches the AGING TIMER (a selected interval) for waiting for response from a first or second router (first and second correspondent host) to get the NEXT PMTU estimate from the message (first and second packet size) wherein the loop (first link) from local system and first router and loop (second link) from local system and second router is timed by the AGING TIMER.

Re Claims 11-14, refer to Claim 1, wherein the admitted prior art includes a mobile host communicating with a domain name server that inquires the local system 10.

Re Claims 15, 19, 20, refer to Claim 1, wherein the local system 10 includes a table (a cache for caching value) to estimate and select the PMTU size, wherein it inherent that the local system initiate the determining of the PMTU base on the initiate request from the mobile host.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI **ANDY LEE**  
5/24/05 **AGENT EXAMINER**

